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Hon. Cathy Seibel, U.S.D.J.
Southern District of New York
United States Courthouse
300 Quarropas Street
White Plains, New York 10601

MEMO ENDORSED

Application granted
SO ORDERED
Cathy Seibel
Cathy Seibel, U.S.D.J.

Dated: 8/7/09

Re: *Lava Records LLC et al. v. Amurao*, 08 CV 03462

Your Honor:

I represent the defendant and write to request a second extension of one week to file defendant's reply papers on her cross-motion for summary judgment, which are presently due August 7. The reason for the request is that I have been unable to arrange to meet this week with the defendant to have her review and sign a supplemental declaration to be submitted.

Plaintiffs' counsel objects to this request, claiming that there is no basis for a supplemental declaration. However, plaintiffs have alleged that are contradictions between Ms. Amurao's prior deposition testimony and her declaration in support of the cross-motion. There are no such contradictions, but a supplemental declaration is necessary in order to demonstrate that her testimony is in fact completely consistent. I would note that plaintiffs submitted a supplemental declaration of their expert witness to correct an apparent error in their opposition papers; defendant should have the same right, especially given the seriousness of plaintiffs' accusations. I therefore would ask that the Court clarify that defendant may submit a supplemental declaration.

I appreciate the Court's attention.

Respectfully,

Richard A. Altman

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copy to
Andrew Mohraz, Esq.
(by email)

